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8 *Attorney for Defendants*

8 *Richard T. Warner, Jr. and Western Express Inc.*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 TRACY NICHOLE TEOFRO, |

11 CASE NO.: 2:15-cv-01747-JAD-GWF

12 Plaintiff,

13 vs.

14 RICHARD T. WARNER, JR.; WESTERN |
15 EXPRESS, INC., NAVISTAR LEASING |
16 SERVICES CORPORATION; DOES I |
17 through XX, inclusive and ROE BUSINESS |
17 ENTITIES I through XX, inclusive,

18 Defendants.

19 **STIPULATION TO EXTEND DISCOVERY DEADLINES**

20 (Eighth Request)

21 Pursuant to Local Rules (“LR”) 6-1, 6-2, 7-1, and 26-4, Defendants, Richard T. Warner, Jr.
22 (“Warner”) and Western Express, Inc. (“Western Express”), and Plaintiff, Tracy Nichole Teofrio
23 (“Teofrio”), by and through their respective attorneys, stipulate to extend the discovery deadlines in the
24 operative Discovery Plan and Scheduling Order [ECF No. 49] as set forth below.

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1. Pursuant to LR 26-4(a), the parties stipulate that the following discovery was completed:
- Warner and Western Express served initial disclosures and seven supplemental disclosures
 - Teofrio served initial disclosures and seven supplemental disclosures
 - Warner served written discovery and Teofrio responded
 - Western Express served written discovery and Teofrio responded
 - Teofrio served written discovery on Warner and Western Express and Warner and Western Express responded
 - Warner and Western Express served more than 92 subpoenas for records
 - Warner and Western Express deposed Teofrio on March 28, 2016 and July 19, 2016
 - Warner and Western Express deposed Trooper Kenneth Nickerson
 - Warner and Western Express deposed Heather Fairman
 - Warner and Western Express took non-appearances for the noticed depositions of five custodians of records
 - Teofrio underwent Rule 35 medical examinations on June 7- 8, 2016 and March 15, 2017.
 - Teofrio deposed Warner
 - Teofrio's following treating physicians were deposed:
 - Dr. Mortillaro
 - Dr. Sorelle
 - Dr. Shah
 - Dr. Khorsandi
 - Dr. Okeke
 - Dr. Don Gregory
 - Dr. William Bauer
 - Richard Feher, DC
 - David Stella, DC

- 1 • Fact witnesses Giana Rossol, Nichole Rossol and Zach Inman were deposed
- 2 • Teofrio served initial expert disclosures
- 3 • Warner and Western Express served initial and rebuttal expert disclosures
- 4 • The following expert or treating physician depositions were completed since the issuance
- 5 of the most recent order:
 - 6 • Lewis Etcoff
 - 7 • Paul Herbert
 - 8 • Sam Terry
 - 9 • James Anthony
 - 10 • Enrico Fazzini
 - 11 • Tony Jensen

12 2. Pursuant to LR 26-4(b), the parties stipulate that they need to complete the following
13 discovery:

- 14 • The deposition of Plaintiff expert James Loong

15 3. Pursuant to LR 26-4(c), the parties stipulate an extension is needed for the following
16 reasons:

17 During the hearing held on December 1, 2017, the court gave the parties until February 28, 2018
18 to complete certain depositions. *See* ECF No. 49. On December 14, 2017, Defendants noticed the
19 deposition of Plaintiff Expert James Loong for February 6, 2018, a date agreed upon by all parties.
20 Defendants also issued a new deposition subpoena. During the December 1, 2017 hearing the court also
21 ordered Plaintiff to produce certain expert files. Dr. Loong's file was produced but not his raw data.
22 Between December 19, 2017 and February 1, 2018, the parties met and conferred about the production
23 of Dr. Loong's raw data. Dr. Loong's raw data was provided to the corresponding defense expert on
24 February 2, 2018, but the defense expert's office closed at noon that day. As a result, Defendants sought
25 to reschedule Dr. Loong's deposition so the defense expert could review the raw data in advance of the
26 deposition. There was not sufficient time to complete this review before the February 6, 2018 deposition
27 date. Dr. Loong and Plaintiff's counsel were available for deposition on February 6, 2018, but
28 Defendants believed that is was reasonable and necessary to reschedule the deposition so their expert

1 was afforded an opportunity to review the raw data.

2 Counsel for the parties met and conferred about Dr. Loong's deposition and agreed to reschedule
3 the deposition before the February 28, 2018 discovery deadline if possible. After conferring with Dr.
4 Lloong and counsel the soonest available date for the deposition as March 14, 2018. The parties agreed
5 to hold March 14, 2018 for the deposition and to prepare this stipulation to extend discovery solely for
6 the purpose of completing Dr. Loong's deposition. The foregoing circumstances constitute good cause
7 to extend the discovery deadline for this limited purpose. They also constitute excusable neglect for
8 submitting this stipulation less than 21 days before the current discovery deadline.

9 4. Pursuant to LR 26-4(d), the parties stipulate to the following proposed schedule for
10 completing all remaining discovery:

11 (1) Discovery Cutoff Date:

12 **March 14, 2018**

13 (2) Amending the Pleadings and Adding Parties:

14 **Closed**

15 (3) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):

16 **Closed**

17 (4) Dispositive Motion Deadline:

18 **April 13, 2018**

19 (5) Pretrial Order:

20 **May 14, 2018**

21 If dispositive motions are filed, the joint pretrial order is due thirty (30) days from the entry of the
22 court's ruling on the motions.

23 (6) Fed. R. Civ. P. 26(a)(3) Disclosures:

24 **In Pretrial Order**

25 The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof shall be included
26 in the pretrial order.

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1 (7) Interim Status Report:

2 **Closed**

3 DATED: February 28, 2018

4 HALL JAFFE & CLAYTON, LLP

5 By: /s/ Ashlie L. Surur

6 Steven T. Jaffe, Esq. (Nevada Bar No. 7035)
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Richard T. Warner, Jr. and Western Express Inc.

DATED: February 28, 2018

LADAH LAW FIRM

By: /s/ Ramzy P. Ladah

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Las Vegas, Nevada 89101
Attorneys for Plaintiff

10 **ORDER**

11 IT IS SO ORDERED

12 DATED: 3/1/2018

13 
UNITED STATES MAGISTRATE JUDGE